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Remarks

Reconsideration of the application is respectfully requested. Claims 1-3 and 8-20 are pending.

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Claim Rejection - 35 U.S.C. §103:

Claims 1-2, 4, 8-9, 13-17 and 19-20 were rejected under 35 U.S.C. §103 as being unpatentable over Michael (U.S. 2004/0170263) in view of Sun (US 2005/0190744) and newly cited reference Lamb (US 6,747,970).

Claims 3, 5-7, 10-12 and 18 were rejected under 35 U.S.C. §103 as being unpatentable over the above listed references in further view of Tang (the "ConNexus to Awarenex: Extending awareness to mobile users" provided by Applicant).

Re: Claim 1 (subject matter of previous claim 7):

Claim 1 is amended by incorporating the subject matter of previously presented claim 7. Claims 4-7 are now canceled. Claim 1 does not present any new limitations not previously presented and considered regarding claim 7. Hence, the grounds of rejection of claim 7 are now relevant to the consideration of claim 1. This rejection is respectfully traversed.

The limitation of claim 1 "the visual indicia comprising time information of the time within which the PSTN subscriber is determined to be available for communications" is not taught by Tang.

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In the Office Action regarding claim 7, it was alleged that Michael modified by Tang disclosed the subject matter. It was stated, "Tang discloses visual indicia with time information in figure 6. Figure 6 discloses a 'buddy list' with each user's name, location, time since last activity or current activity, and current or next appointment time." Even accepting for purposes of argument that Tang teaches this quoted subject matter, this does not meet the limitation of a time within which the PSTN subscriber is available for communications. According to Tang, the time since a last activity or event, or a current ongoing event is provided. However, none of such indications provides a time within which the subscriber is available for communications.

Each of the examples listed in the above quotation in the Office Action will be addressed. Providing the elapsed time since or time of a last activity does not provide a person with information about a time within which the subscriber would be available for communications; it merely provides a person with information about the time (or time interval) since the subscriber engaged in a particular activity. It does not provide information in forming the person about the current or future time availability of the subscriber for communications. Similarly, providing information to a person that the subscriber is currently engaged in an activity that could or does indicate that the subscriber is not currently available for communications merely indicates that the subscriber is not currently available for communications; however, this does not indicate a time within which the subscriber will be available for communications. The same logic applies with regard to disclosed in a current or next appointment time. That is, knowing that the subscriber is in a current appointment or the time of a future appointment does not indicate to a person a time in which the subscriber would be available for communications. All of these examples fall into the same category of defining a time or time interval during which the subscriber is not available for communications.

It is very important to understand that the inverse of the above analogies considered under the rules of logic cannot be assumed to be true. That is, the fact that a person is known not to be available for communications during time X does not mean that a person will be available for communications at times other than X. For example, assume that an e-mail had just been sent from the subscriber's home computer 5 minutes ago and that this event including the time of the event is provided as per Tang. A person considering this information may guess that the

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subscriber is still present at his home in attempt communications with the subscriber there. However, the subscriber is not available for communications at his home. For example, it was his wife or child that had sent the e-mail. Or the subscriber himself had sent the e-mail from his home computer, but the subscriber left immediately following the transmission of the e-mail to go for a walk with his dog and is no longer available for communications.

One of ordinary skill in the art would understand that providing a time within which a subscriber is determined to be available for communications is not the same as or equivalent to the time information provided by Tang as explained above. Therefore, Tang does not teach the subject limitation. None of the other applied references are relied upon with regard teaching the subject limitation. Hence, none of the applied references teach the subject limitation. Withdrawal of the 35 USC 103 rejection of claim 1 is requested.

Re: independent claim 14

Independent claim 14 is believed to contain allowable subject matter for similar reasons explained above with regard to claim 1. Withdrawal of the 35 USC 103 rejection of claim 14 is requested.

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706.07(a)Final Rejection, When Proper on Second Action [R-6]

Due to the change in practice as affecting final rejections, older decisions on questions of prematurity of final rejection or admission of subsequent amendments do not necessarily reflect present practice. Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Thus, it would be inappropriate to make the next Office Action final should a new ground of rejection, e.g. new reference(s), be applied in the rejection of claim 1 since applicant has not amended the claims with new limitations to necessitate such action.

If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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